

**REMARKS**

Applicants appreciate the detailed examination evidenced by the Final Official Action mailed February 22, 2006 (hereinafter "the Final Official Action"). In response, Applicants respectfully point out that reliance on the newly cited U.S. Patent No. 6,593,207 to Hong et al. (Hong) in the rejections under section 103 is not proper as a matter of law and, therefore, should be withdrawn.

The Final Official Action rejected all pending claims under section 103 over a combination of the previously cited Knorr patent and the newly cited Hong patent. *Final Official Action, pp 2,4,and 6.* However, Hong cannot be properly used in a rejection under section 103 because the present invention and Hong were commonly owned by Samsung Electronics Co., Ltd., at the time that the present invention was made.<sup>1</sup> Accordingly, section 103(c) prohibits the use of Hong as a reference. In particular, section 4807 of the American Inventors Protection Act of 1999 (AIPA) amended section 103(c) to recite:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Section 4807 further reads that the amendment shall apply to any application for patents filed on or after the date of the enactment of this act (November 29, 1999). S 1948 I.S. section 4807. Accordingly, because Hong and the present application were commonly owned at the time that the present invention was made, Hong cannot be relied on as prior art in an obviousness rejection of the present application because Hong is prior art only under section 102(e) and the present application was filed on December 11, 2003 (after November 29, 1999). Moreover, the earliest publication date of Hong is January 16, 2003, accordingly, Hong is not prior art under section 102(b).<sup>2</sup>

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<sup>1</sup> Applicants have provided herewith, a Patent Assignment Abstract of Title for Hong and a copy of the recorded Assignment for the present Application, thereby showing common assignment to Samsung Electronics, Ltd.


<sup>2</sup> Applicants note that the reliance upon section 103(c) to remove Hong as a reference is not an admission that the present claims are unpatentable over the combination of Knorr and Hong.

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In view of the above, Applicants respectfully request withdrawal of the present Final Official Action and the allowance of all claims in due course. If any informal matters arise, the Examiner is encouraged to contact the undersigned by telephone at (919) 854-1400.

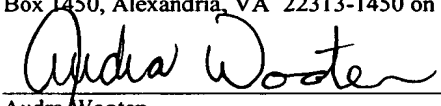
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Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2006.

  
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